

FILED BY cg D.C.

05 JUL 19 PM 4: 43

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISIONFILED BY cs D.C.

2005 JUL -5 AM 9: 31

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, MEMPHISTHOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, MEMPHISIN RE: ELECTRONIC SURVEILLANCE  
ORDER 05-WT-001 and EXTENSIONS.✓ 05-20201-B  
05-20202  
05-20203  
05-20204  
No. 05-WT-001  
05-20205

MOTION GRANTED

JON PHIPPS McALLA  
U.S. DISTRICT JUDGEMOTION TO ALLOW DISCLOSURE OF  
SEALED TITLE III MATERIALS IN DISCOVERYThis document entered on the docket sheet in compliance  
with Rule 53 and/or 32(b) FRCP on 7-20-05

Comes now the United States of America, and hereby requests the Court to authorize the provision to defense counsel in *United States v. Ward Crutchfield and Charles Love*, 05-20204-B; *United States v. Chris Newton and Charles Love*, 05-20205-M1; *United States v. John Ford*, 05-20201-B; *United States v. Roscoe Dixon and Barry Myers*, 05-20202-M1; and *United States v. Kathryn Bowers and Barry Myers*, 05-20203-M1 of copies of the following:

1. Redacted portions of Title III applications, orders and affidavits in Miscellaneous No. 05-WT-001(W.D.TN.) and all orders, applications and affidavits submitted requesting extension or modification of that order.
2. Copies of audio and visual interceptions which were obtained as a result of said orders, to the extent that said interceptions are relevant as discovery material, or other material appropriately furnished to defense counsel.

At the government's request, sealing orders were issued to preserve the integrity of the ongoing investigation. The government is seeking the Court's permission to provide in

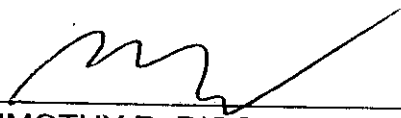
(24)

discovery documents that were submitted to the Court to obtain said order and the fruits of investigation as appropriately disclosed to the defense attorneys in the above-captioned cases.

The United States also requests that it be allowed to redact said applications, orders and affidavits, editing those matters that are not material to the current indictments, as the affidavits, orders and applications contain information concerning lines of investigation that are not yet completed and individuals who have not been charged in a criminal case. If this information is disclosed to the general public, those lines of investigation may be compromised. In addition, the rights of individuals mentioned but not charged may be prejudiced. For these reasons, the government also requests that the disclosure be limited to providing the discovery to defense counsel and their clients, and that the documents made available to the attorneys for the defendants be subject to a protective order limiting the dissemination of this information.

Respectfully submitted,

TERRELL L. HARRIS  
UNITED STATES ATTORNEY

By:   
TIMOTHY R. DISCENZA  
Assistant United States Attorney  
167 N. Main, Room 800  
Memphis, Tennessee 38103  
(No. 008716 Tennessee)  
901-544-4231

**CERTIFICATE OF SERVICE**

I, TIMOTHY R. DISCENZA, Assistant United States Attorney for the Western District of Tennessee, hereby certify that a copy of the foregoing Motion and the proposed order were mailed, first class postage prepaid, to the following:

counsel for defendant Crutchfield

William H. Farmer, Esq.  
Jonathan P. Farmer, Esq.  
333 Union Street, Suite 300  
Nashville, Tennessee 37201

counsel for defendant Bowers

Lorna S. McClusky, Esq.  
Massey McClusky  
3074 East Street  
Memphis, Tennessee 38128

counsel for defendant Ford

Michael E. Scholl, Esq.  
The Scholl Law Firm  
8 South Third, Fourth Floor  
Memphis, Tennessee 38103

counsel for defendant Newton

Hugh J. Moore, Jr., Esq.  
736 Market Street  
1100 Suntrust Bank Bldg.  
Chattanooga, TN 37402-2608

counsel for defendant Dixon

Walter L. Bailey, Jr., Esq.  
The Walter Bailey Law Firm, LLP  
100 North Main, Suite 3002  
Memphis, Tennessee 38103

counsel for defendant Myers


Leslie I. Ballin, Esq.,  
Ballin, Ballin & Fishman, P.C.  
200 Jefferson Avenue, Suite 1250  
Memphis, Tennessee 38103

counsel for defendant Love

Bryan H. Hoss, Esq.  
DAVIS & HOSS  
508 East 5th Street  
Chattanooga, TN 37403

This 5 day of June, 2005.

Respectfully submitted,  
TERRELL L. HARRIS  
UNITED STATES ATTORNEY

By:   
TIMOTHY R. DISCENZA  
Assistant United States Attorney



## Notice of Distribution

This notice confirms a copy of the document docketed as number 24 in case 2:05-CR-20201 was distributed by fax, mail, or direct printing on July 20, 2005 to the parties listed.

---

Michael Edwin Scholl  
THE SCHOLL LAW FIRM  
8 S. Third St.  
Fourth Floor  
Memphis, TN 38103--238

Samuel L. Perkins  
SL PERKINS LAW GROUP, PLLC  
147 Jefferson Ave.  
Ste. 804  
Memphis, TN 38103

Timothy R. DiScenza  
U.S. ATTORNEY'S OFFICE  
167 N. Main St.  
Ste. 800  
Memphis, TN 38103

Honorable J. Breen  
US DISTRICT COURT